

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BARRY MEHLER,

Plaintiff,

vs.

Case No. 1:22-CV-00071

Hon. Jane M. Beckering

Hon. Magistrate Judge Ray Kent

FERRIS STATE UNIVERSITY, DAVID L. EISLER, individually and in his official capacity as President of Ferris State University; RANDY CAGLE, individually and in his official capacity as Dean of Ferris State University's College of Arts, Sciences and Education; FERRIS STATE UNIVERSITY BOARD OF TRUSTEES; and AMNA P. SIEBOLD, ANNA L. RAMIREZ-SAENZ, RUPESH K. SRIVASTAVA, LASHANDA R. THOMAS, GEORGE K. HEARTWELL, KURT A. HOFMAN, and RONALD E. SNEAD, in their Official Capacities as Trustees of Ferris State University's Board of Trustees,

Defendants.

MATTHEW J. HOFFER (P70495)
ZACHARY M. YOUNGSMA (P84148)
SHAFFER & ASSOCIATES, P.C.
3800 Capital City Blvd., STE 2
Lansing, MI 48906
T: (517) 886-6560
F: (517) 886-6565
Matt@bradshaferlaw.com
Zach@bradshaferlaw.com
Attorneys for Plaintiff

ROBERT M. VERCRUYSSSE (P21810)
ANNE-MARIE VERCRUYSSSE
WELCH (P70035)
CLARK HILL PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226
(313) 965-8325 (313) 309-6958
rvercruysse@clarkhill.com
awelch@clarkhill.com
Attorneys for Defendants

DEFENDANTS' PUBLIC VERSION OF EXHIBIT 8
AFFIDAVIT OF STUDENT 202
PREVIOUSLY FILED UNDER SEAL [ECF 23]

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BARRY MEHLER,

Plaintiff,

vs.

Case No. 1:22-CV-00071

Hon. Jane M. Beckering

Hon. Magistrate Judge Ray Kent

FERRIS STATE UNIVERSITY, DAVID L. EISLER, individually and in his official capacity as President of Ferris State University; RANDY CAGLE, individually and in his official capacity as Dean of Ferris State University's College of Arts, Sciences and Education; FERRIS STATE UNIVERSITY BOARD OF TRUSTEES; and AMNA P. SIEBOLD, ANNA L. RAMIREZ-SAENZ, RUPESH K. SRIVASTAVA, LASHANDA R. THOMAS, GEORGE K. HEARTWELL, KURT A. HOFMAN, and RONALD E. SNEAD, in their Official Capacities as Trustees of Ferris State University's Board of Trustees,

Defendants.

MATTHEW J. HOFFER (P70495)
SHAFFER & ASSOCIATES, P.C.
3800 Capital City Blvd., STE 2
Lansing, MI 48906
T: (517) 886-6560
F: (517) 886-6565

Attorneys for Plaintiff

ROBERT M. VERCRUYSSSE (P21810)
ANNE-MARIE VERCRUYSSSE
WELCH (P70035)
CLARK HILL PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226
(313) 965-8325 (313) 309-6958
rvercruyssse@clarkhill.com
awelch@clarkhill.com
Attorneys for Defendants

AFFIDAVIT OF [REDACTED]
STUDENT 202

STATE OF MICHIGAN)
) §
COUNTY OF MECOSTA)

STUDENT 202

██████████ Ferris State University Student, being duly sworn, deposes and states as

follows:

1. I am a Junior student studying social studies and secondary education at Ferris State University.

2. I enrolled in Professor Barry Mehler's History 230 Class for Spring 2022.

3. I came to the first day of class for History 230. There were only approximately 15-20 students present in the class.

4. Prior to attending class, I did not watch the welcome video Professor Mehler sent via Canvas.

5. Professor Mehler started the class by bragging that despite only having 120 enrolled students, his video had 800 views. He then said, "that means some of you fuckers are sharing the link."

6. Professor Mehler asked for those who had viewed the video to raise their hands.

7. Professor Mehler then showed the video in class since not all students raised their hands.

8. I was shocked, offended, and hurt by the video. After, in the video, Professor Mehler said, "I'm a fucking tenured professor. So, if you want to go complain to your dean, fuck you." I stood up and left.

9. I did not like being called a "fucker," "cocksucker," or being told to "fuck you."

10. I immediately went to the computer lab, registered for a new class, and dropped Professor Mehler's class.

11. I had never before been exposed to a person in authority going on a rant like that using that language.

12. As an education student who has taken Education 101 and 161, both of which teach about professionalism in education, I found Professor Mehler's video to be highly unprofessional.

13. I saw in the media that Professor Mehler claimed students supported him. I wanted to participate in the University's investigation and provide this affidavit because I want Professor Mehler, the University, and this Court to know that I am one student that certainly does not support Professor Mehler's use of offensive language in the classroom.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on March 2, 2022

STUDENT 202



Subscribed and sworn to before me
This 2nd day of March, 2022

Scamerra
Notary Public
Michigan, County, Merosta
My Commission expires: 1/7/2028